

Springerville Special Town Council  
Minutes  
May 23, 3007

Present: Kay Dyson, Mayor, Eric Baca and Pete Hunt

Staff: Scott Garms Town Manager, Val Cordova Town Clerk, Shaffery & Coronado P.C. Town Attorneys, Larisa Bogardus Community Development Director, Chief West and Sheila Delhanty.

Public: Mr. & Mrs. Doug Henderson, David L. Pimper, Connie Hunt, Jim Muth, Kevin Burk, Joe Taylor, Susie Silva, Homer and Connie Rogers, Dustin Sanders, James Rogers and P & Z Commissioners Richard Spitzer and Len Watson.

1. The meeting was called to order at 6:00 p.m. by Mayor Dyson.

She announced that they would be going into a public hearing to receive comments regarding Conditional Use Permit # 2007-006 She stated that the ground rules for public comments would be three to five minutes per person to make a statement and use of time cannot be given another person. When public comments are completed they will adjourn from the public hearing for council discussion and consideration. She advised the public that the council has the following three options to consider

1. They can uphold the decision of the Planning and Zoning
2. Deny the permit
3. Put additional conditions on the permit presented.

She further stated that the council has up to fifteen days to make a decision or they can make the decision tonight.

2. Public Hearing: Public hearing to receive public comment regarding Conditional Use Permit #2007-006 issued to James Rogers to construct town homes on parcels 104-03-003M and 104-03-003.

Pete Hunt/Eric Baca motion to enter into public hearing.

Vote:	Ayes:	Kay Dyson
		Eric Baca
		Pete Hunt

Mayor Dyson asked Mr. Henderson if he would like to speak first.

Mr. Henderson stated that he doesn't have a problem with the planning and zoning commission or with Mr. Rogers on this issue. His not being present at the meeting and able to present his side of the issue is what has brought him here tonight. He stated that his problem is "the location of the town house complex in the middle of commercial property does not make any sense to him". Taking five acres of commercial property and putting a town house complex is not consistent use of commercial property.

He referenced section 17.84.010 of the zoning code stating that there should be a "maximum compatible use of property" and felt that this was not. He then referenced section 17.84.040 – stating that the key issue is "what effect it will have on adjoining property owners". He continued stating that everyone in that area is commercial. He felt that putting a multi-family unit will affect land values and what they can do with it. The number of complaints against whatever he or a subsequent property owner legitimately does with this property is going to create all kinds of problems. There will be a tremendous number of complaints.

Mr. Henderson stated that they had no idea this was going to happen when they purchased the property. He repeated that this was not conforming use of the property.

Mr. James Rogers spoke on behalf of his town house project stating that he met with the planning and zoning department several weeks earlier to get a permit. He followed the directions and procedures given to him and then met with the planning and zoning commission where they set the conditions that he agreed to.

He felt that this project would help bring more value to the community and target people that enjoy coming to the White Mountains. This project will have a Home Owners Association with strict CC&Rs. They will be filing for a split subdivision with sidewalks, paved road, and curbing designed by engineers.

Zoning Commissioner Richard Spitzer advised the council that a multi-family housing going into a commercial area (which is allowed) was taken into consideration by the commission so they put several conditions to his permit and increased the set back a to allow for a larger buffer zone between the commercial development and this project.

Mayor Dyson called for any other comments from the public. There were none.

Pete Hunt/Eric Baca motion to come out of public hearing.

Vote:	Ayes:	Kay Dyson
		Eric Baca
		Pete Hunt

3. Conditional Use Permit #2007-006: Discussion and action regarding Conditional Use Permit # 2007-006 as a result of an appeal filed by Ralph D. D. Henderson and Carol L. Henderson.

Mayor Dyson read the seven conditions set forth by the commission for this conditional use permit. She added that this would be a good addition for Springerville and we need housing.

Councilman Baca asked to see Mr. Rogers's site plan and asked questions of him.

Mr. Henderson stated that he did not have a problem with what Mr. Rogers is doing and it looks like it is a good plan.

Mr. Shaffery the town's Legal Counsel called for a point of order and reminded everyone that public comment is over. Asking questions would be appropriate but not to go into discussion.

Councilman Hunt stated that it's evident that the code allows multi-family dwellings in a commercial area and noted that Mr. Henderson should have been aware that this was a potential possibility when he purchased the property. The code specifically designates that commercial zone as a possible area where multi-family dwellings can be built. He asked Mr. Henderson if there were any other conditions that he would encourage to help buffer his property from this project.

Mr. Henderson restated that every time he does anything with that property he would have a fight with everyone and what effects this would have on adjacent property owners. He said this would destroy his property.

Ms. Bogardus noted that Mr. Rogers was made aware this a commercial area and any other allowed commercial use which might be unpleasant to residents could go in next door. Mr. Rogers agreed and accepted that. She said she can't stop a commercial use that's allowed under the code because a resident doesn't like it.

Councilman Hunt said he was concerned with condition #5 regarding screening. He felt it was vague and would like to have some something more specific.

Ms. Bogardus advised the council that there are screen regulations in the code which include six foot high solid masonry or solid wood. The commissions' feelings were that the screening should be the burden of the residential development not the commercial owners.

Mr. Shaffery advised them that the code regulates screening however it can be added to the motion.

Pete Hunt/Eric Baca motion to accept the recommendation of planning and zoning commission and clarifying No. 5 to be a six foot high solid wood or masonry fence.

Vote:	Ayes:	Kay Dyson
		Eric Baca
		Pete Hunt

4. Adjournment:

Kay Dyson/Pete Hunt motion to adjourn the meeting at 6:25 p.m.

Vote:	Ayes:	Kay Dyson
		Eric Baca
		Pete Hunt

---

Kay Dyson, Mayor

ATTEST:

---

Town Clerk

I hereby certify that the foregoing is a true and correct copy of the minutes of the Springerville Town Council Public Hearing held on Wednesday May 23, 2007. I further certify that the meeting was duly called and a quorum was present.

Dated this 25<sup>th</sup> day of May 2007

---

Town Clerk